

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1-5, 12-13, 15-18, 25-26, 28, 46-48, and 50-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,870,454 to Dahlen ("*Dahlen*") in view of U.S. Reissue Patent No. 34,976 to Helferich et al. ("*Helferich*"); rejected claims 1-4, 6, 16-17, 19, 46-48, and 50-52 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,805,671 to Ohuchi ("*Ohuchi*") in view of *Helferich*; rejected claims 7, 14, 20, 27, 35, and 39 under 35 U.S.C. § 103(a) as being unpatentable over *Dahlen*, in view of *Helferich*, and further in view of U.S. Patent No. 6,751,299 to Brown et al. ("*Brown*"), and rejected claims 41, 43-45, 49, and 53 under 35 U.S.C. § 103(a) as being unpatentable over *Dahlen*, in view of *Brown* or *Ohuchi*, and further in view of *Helferich*. The Examiner indicated allowable subject matter in claims 8-10 and 21-23 if these claims are rewritten in independent form.

Applicant has amended claims 1, 3-10, 16-23, 25-28, 41, and 43-53. Claims 1-10, 12-23, 25-28, 41, and 43-53 remain pending.

Applicant respectfully traverses the rejection of claims 1-5, 12-13, 15-18, 25-26, 28, 46-48, and 50-52 under 35 U.S.C. § 103(a). The prior art cited by the Examiner, *Dahlen* and *Helferich*, even if combinable as suggested by the Examiner, does not teach or suggest each and every element of claims 1-5, 12-13, 15-18, 25-26, 28, 46-48, and 50-52. A *prima facie* case of obviousness has, therefore, not been established.

Claim 1 recites a communication system including, for example:

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

a first communication device. . .

a second communication device configured to receive said outgoing data and configured to transmit digital audio content data identified by said content identification data to a receiving party identified by said receiving party identification data at a date and time corresponding to said date and time data, said digital audio content data being compressed; and

a third wireless communication device configured to receive and store said digital audio content data transmitted from said second communication device without pushing an off-hook button and configured to decode said digital audio content data.

(emphasis added). *Dahlen* discloses a calling party 22 that can, for example, "specify what type of receiving equipment is to receive the text message generated by the service" and "indicate a particular timed distribution of the message" (col. 5, lines 54-56 and col. 6, lines 51-52). The Examiner states that SCP 40 and SDP 50 correspond to the claimed second communication device. Even assuming that this assertion is correct, which Applicant does not concede, SCP 40 and SDP 50 are not configured "to transmit digital audio content data . . . said digital audio content data being compressed," as recited in claim 1.

SCP 40 "issues a conversion-enable signal" and is notified "upon completion of the speech to text conversion" (col. 7, lines 4-16). SCP 40 "issues a language conversion-enable signal on link 44" and is advised upon completion of the language translation (col. 7, lines 18-25). SCP 40 obtains the text message stored for the call from SDP 50 and "SDP 50 may be programmed to forward to text message to SCP 40 upon receipt thereof by SDP 50 or otherwise notify SCP 40 of receipt thereof by SDP 50" (col. 7, lines 16-42).

Dahlen does not teach or suggest transmitting compressed digital audio content data. Therefore, *Dahlen* does not teach or suggest a second communication device "to

transmit digital audio content data . . . said digital audio content data being compressed” and a third wireless communication device “configured to decode said digital audio content data,” as recited in claim 1.

The Examiner states that *Dahlen* “fails to clearly teach the features of storing the audio content data from the second communication device without pushing an off-hook button” (Office Action at page 3). The Examiner relies on *Helferich* to teach these limitations. Even assuming that this is correct, which Applicant does not concede, *Helferich* does not cure the deficiencies of *Dahlen*.

Helferich discloses “an analog-to-digital data storage system which is readily adapted for use in communication systems” (col. 4, lines 6-8). “The voice storage cellular telephone records incoming voice messages” (Abstract). *Helferich* does not teach or suggest a second communication device “to transmit digital audio content data . . . said digital audio content data being compressed” and a third wireless communication device “configured to decode said digital audio content data.” Therefore, *Dahlen* in view of *Helferich* does not teach or suggest a second communication device “to transmit digital audio content data . . . said digital audio content data being compressed” and a third wireless communication device “configured to decode said digital audio content data,” as recited in claim 1.

Accordingly, *Dahlen* and *Helferich* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-5, 12, 13, and 15 depend from claim 1 and are thus also allowable over *Dahlen* in view of *Helferich*, for at least the same reasons as claim 1.

Independent claims 16, 46-48 and 50-52 and dependent claims 17, 18, 25, 26, and 28, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Dahlen* in view of *Helferich* for at least the same reasons discussed above in regard to claim 1.

Applicant respectfully traverses the rejection of claims 1-4, 6, 16-17, 19, and 46-48, and 50-52 under 35 U.S.C. § 103(a) as being unpatentable over *Ohuchi* in view of *Helferich*.

Ohuchi discloses a method of informing "a calling party of the fact that the audio message from a partner has been stored in the memory on the basis of information of the partner which was inputted for call generation" (col. 2, lines 16-20). The Examiner states that *Ohuchi* "fails to clearly teach the features of storing the audio content data from the second communication device without pushing an off-hook button" (Office Action at page 7).

The Examiner relies on *Helferich* to teach these limitations. Even assuming that this is correct, which Applicant does not concede, *Helferich* does not cure the deficiencies of *Ohuchi*. As previously stated, *Helferich* discloses "an analog-to-digital data storage system which is readily adapted for use in communication systems" (col. 4, lines 6-8). "The voice storage cellular telephone records incoming voice messages" (Abstract). *Helferich* does not teach or suggest a second communication device "to transmit digital audio content data . . . said digital audio content data being compressed" and a third wireless communication device "configured to decode said digital audio content data." Therefore, *Ohuchi* in view of *Helferich* does not teach or suggest a second communication device "to transmit digital audio content data . . . said digital

audio content data being compressed” and a third wireless communication device “configured to decode said digital audio content data,” as recited in claim 1.

Accordingly, *Ohuchi* and *Helferich* fail to establish a *prima facie* case of obviousness with respect to claim 1, at least because the references fail to teach each and every element of the claim. Claims 2-4 and 6 depend from claim 1 and are thus also allowable over *Ohuchi* in view of *Helferich*, for at least the same reasons as claim 1.

Independent claims 16, 46-48 and 50-52 and dependent claims 17 and 19, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Ohuchi* in view of *Helferich* for at least the same reasons discussed above in regard to claim 1.

Regarding the rejection of claims 7, 14, 20, 27, 35, and 39, dependent from claims 1 and 16, the Examiner relies on *Brown* for allegedly teaching “another communication device for transmitting advertisement data and sponsor identification data identifying a sponsor of said advertisement data to said second communication device” (Office Action at page 8). Even assuming this assertion is true, which Applicants does not concede, *Brown* fails to cure the deficiencies of *Dahlen* and *Helferich* discussed above. *Brown* discloses a voice messaging system including “a set of geographically distributed devices in which voice messages are stored” (col. 1, lines 64-66). “The device is one from which messages can be efficiently retrieved by a user” (col. 1, line 67-col. 2, line 1). *Brown* does not teach or suggest a second communication device “to transmit digital audio content data . . . said digital audio content data being compressed” and a third wireless communication device “configured

to decode said digital audio content data,” as recited in claim 1. *Brown* also does not teach or suggest “a transmitting device configured to transmit digital . . . said digital audio content being compressed,” and a wireless apparatus associated with the receiving party that “receives and stores said digital audio content data transmitted by said transmitting device without pushing an off-hook button and decodes said digital audio content data,” as recited in claim 16.

Therefore, claims 7, 14, 20, 27, 35, and 39 are also allowable over *Dahlen*, *Helferich*, and *Brown* for at least the same reasons as claims 1 and 16.

Regarding the rejection of claims 41, 43-45, 49, and 53, the Examiner relies on *Brown* or *Ohuchi* for allegedly teaching “the feature of receiving advertisement data along with the greeting data” and “the feature of transmitting to and controlling for a server device reception-complete data when message and advertisement have been received” (Office Action at page 9).

Even assuming this assertion is true, which Applicant does not concede, *Brown*, *Ohuchi*, and *Helferich* fail to cure the deficiencies of *Dahlen* discussed above. *Dahlen*, *Brown*, *Ohuchi*, and *Helferich* do not teach a mobile phone comprising “a reproducing device configured to reproduce digital audio data included in the received greeting mail, said digital audio content data being compressed,” as recited in claim 41, and “transmitting the reception-complete data as digital audio content data to a receiving party, said digital audio data being compressed, wherein a wireless apparatus associated with said receiving party receives, stores, and decodes said digital audio content data without pushing an off-hook button,” as recited in claims 49 and 53.

Therefore, independent claims 41, 49, and 53, and dependent claims 43-45 are also allowable over *Dahlen, Brown, Ohuchi, and Helferich*.

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration of the application and withdrawal of the rejections. Pending claims 1-10, 12-23, 25-28, 41, and 43-53 are in condition for allowance, and Applicant requests a favorable action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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